

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION**

Hon. Patti B. Saris

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Dey, Inc., et al.,
Civil Action No. 05-11084-PBS*

In support of this Motion, Dey submits the following: (1) Defendants’ Memorandum of Law in Support of their Motion *In Limine* to Exclude from Evidence the Reports and Testimony of Theodore R. Marmor, Ph.D.; and (2) Declaration of Neil Merkl In Support of Defendants’ Motion *In Limine* to Exclude from Evidence the Reports and Testimony of Theodore R. Marmor, Ph.D.

Dated: March 12, 2010

Respectfully Submitted,

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By: /s/ Neil Merkl
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L.P., Inc., and Dey, Inc.*

LOCAL RULE 7.1 CERTIFICATION

I certify that counsel have conferred pursuant to Local Rule 7.1(a)(2).

/s/ Neil Merkl
Neil Merkl

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on March 12, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Neil Merkl
Neil Merkl